

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

GEORGE LUSTER,

*Plaintiff,*

vs.

DWIGHT NEVEN, *et al.*

*Defendants.*

2:10-cv-01661-GMN-PAL

ORDER

This removed *pro se* prisoner civil rights action comes before the Court on plaintiff's third motion (#16) for enlargement of time, in which he seeks an additional fourteen days to file an amended complaint.

Petitioner maintains that he needs additional time because: (a) he allegedly had to prepare a motion to reopen the habeas matter in No. 2:04-cv-00334-RLH-RJJ, "totaling 77 pages with exhibits," after receiving the state supreme court's order of affirmance on March 30, 2011; and (b) prison authorities allegedly have impeded his access to the law library.

Plaintiff is represented by appointed federal habeas counsel in No. 2:04-cv-00334. The Court therefore ordered that his *pro se* motion to reopen be stricken from that record. The Court further admonished plaintiff that if he continued to file papers *pro se* therein that sanctions, including potentially dismissal, may be imposed. The Court additionally noted that there was no valid reason for plaintiff to file the motion *pro se* rather than proceeding through counsel because the deadline for filing the motion to reopen did not expire until May 27, 2011, forty-five days after the issuance of the remittitur.

1 Plaintiff thus has had ample time and opportunity to file an amended complaint herein.  
2 Any alleged interference with his law library access clearly has not caused him to be unable  
3 to file an amended complaint herein, as he was able to file "77 pages with exhibits" in the  
4 other action despite there being absolutely no need to do so. Put simply, if plaintiff had been  
5 doing what he was supposed to be doing rather than what he was not, there would be no  
6 need to request a further extension in this case.

7 The Court nonetheless will grant this, final, extension request. No further extension  
8 requests will be entertained. If plaintiff fails to meet the deadline, the Court then will proceed  
9 to appropriate action as to the pendent state law claims that remain.

10 IT THEREFORE IS ORDERED that plaintiff's motion (#16) for an enlargement of time  
11 is GRANTED, such that plaintiff shall have up to and including **April 25, 2011**, within which  
12 to mail an amended complaint to the Clerk for filing. **No further requests for extension of**  
13 **time will be entertained. THIS IS THE FINAL EXTENSION OF THE DEADLINE.**

14 DATED this 22nd day of April, 2011.

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20 Gloria M. Navarro  
21 United States District Judge  
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